

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
(Indianapolis Division)**

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DKL
PLATINUM MOTORS, INC.,	*	
MATTINGLY AUTO SALES, INC.,	*	CLASS ACTION
YOUNG EXECUTIVE MANAGEMENT	*	Jury Trial Demanded
& CONSULTING SERVICES, INC.,	*	
Individually, and on behalf of other	*	
members of the general public	*	
similarly situated	*	
	*	
v.	*	
	*	
COX ENTERPRISES, INC.,	*	
COX AUTOMOTIVE, INC.,	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION, successor by merger	*	
with Manheim Automotive Financial	*	
Services, Inc., and JOHN WICK	*	
	*	

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## PLAINTIFFS' PRELIMINARY WITNESS AND EXHIBIT LIST

NOW INTO COURT, through undersigned counsel come the plaintiffs, Red Barn Motors, Inc. (“Red Barn”), Platinum Motors, Inc. (“Platinum”), Mattingly Auto Sales, Inc. (“Mattingly”), and Young Executive Management & Consulting Services, Inc. (“Young”) (collectively, “Plaintiffs”), and respectfully submit the following Preliminary Witness and Exhibit List pursuant to the Court’s Case Management Plan (R. Doc. No. 144).

## I. WITNESSES

**A. Plaintiff Will or May Call the Following Witnesses at Trial:**

1. Don Richardson;
2. Devon London;
3. Sharon Roach;
4. Nicole Perry;
5. Barry Mattingly;

6. Denise Mattingly;
7. Ronald Reid;
8. Robyn Green;
9. John Wick;
10. Adam Galema;
11. Kirsten Hull;
12. Lourdes Givens;
13. Sharon Roach;
14. Stuart LaBauve;
15. Mark Holley;
16. Sean Tabb;
17. Kelly Cerentano;
18. Kevin Frederick;
19. Any other employees or former employees of NextGear Capital, Inc., Cox Enterprises, Inc. and/or Cox Automotive, Inc.;
20. Representatives of auction houses who have done business with Plaintiffs;
21. Any member of or representative of any member of the putative or certified class;
22. Any disclosed experts in the case;
23. Any fact or expert witnesses needed to address class certification issues;
24. Any person deposed in this matter;
25. Any witness whose name comes up in or who becomes significant as a result of discovery;
26. Any other person(s) having knowledge of facts that would tend to support any of the claims raised by Plaintiffs in this matter;
27. Any witness(es) called, deposed, and/or listed by Defendants in this matter;
28. Any witness necessary to authenticate a document; and
29. Any witness necessary for impeachment or rebuttal.

## **II. EXHIBITS**

### **A. Plaintiffs' Exhibits Intended to be Introduced at Trial**

1. See Exhibit A attached hereto;
2. Any documents that are later introduced as exhibits at any deposition in this proceeding;
3. All documents produced by Plaintiffs;
4. All documents produced by NextGear Capital, Inc. f/k/a Dealer Services Corporation;
5. All documents produced by Cox Enterprises, Inc.;
6. All documents produced by Cox Automotive, Inc.;
7. All documents produced by John Wick;
8. All documents produced pursuant to any Court Order in this action;
9. Any and all documents produced by any party in this action;
10. All documents produced pursuant to any subpoena *duces tecum* issued to nonparties by any party;

11. All exhibits to any filings in the record of this action;
12. All exhibits listed or introduced by any other party in this action;
13. All video recordings and transcripts of depositions taken in connection with this action;
14. Plaintiffs' expert witness' report(s) and any supplemental or amended reports prepared by Plaintiffs' expert witness;
15. All documents relied on by Plaintiffs' expert witnesses, including but not limited to those attached to their expert witness reports;
16. Any and all documents needed to support class certification;
17. All written discovery responses;
18. Any document or exhibit which comes up in or which becomes significant as a result of remaining discovery;
19. Any other document(s) that would tend to support any of the claims asserted by the Plaintiffs in this action;
20. Any document(s) necessary for impeachment of any witness; and
21. Any document(s) necessary for rebuttal.

Respectfully submitted,

/s/ Kerry A. Murphy

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**COUNSEL FOR PLAINTIFFS AND THE PROPOSED CLASS**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have, on the 15<sup>th</sup> day of September, 2016, served a copy of the foregoing Joint Motion to Reset Trial Date on all counsel of record via electronic service by the court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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